

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION (STAMP) NO.11484 OF 2016

Shri. Vitthal Shankar Dharawane

.. Petitioner

Versus

Shri. Ganpat Kaluram Vishe and others

.. Respondents

Mr. G. S. Jadhav i/by Mr. R. D. Suryawanshi, for the Petitioner.

Mr. S. D. Rayrikar, AGP for the Respondent Nos.2 & 3.

CORAM : R.M. SAVANT, J.

DATE : 2nd MAY 2016

PC.

1. The order dated 23.12.2015 passed by the Divisional Joint Registrar, rejecting the application for stay is taken exception to by way of the above Petition. The Petitioner has been disqualified under Section 73CA(vii) of the Maharashtra Co-operative Societies Act on the ground that he has three children on the appointed day. A finding of fact has been recorded in that respect by the Revisionary Authority whilst considering the Revision filed by the Petitioner. The Revisionary Authority has adverted to the register which was produced to buttress the case that the Petitioner has three children. Since the Revision is pending before the Revisionary Authority, the said finding can be said to be prima-facie. However, the order rejecting the application for stay on the said ground cannot be found

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fault with. No case for interference is made out. The Writ Petition is accordingly dismissed. However, the Appellate Authority is directed to dispose of the Appeal expeditiously.

[R.M. SAVANT, J]